

Staff Report

Story County

Planning and Zoning Commission

Date of Meeting:
March 4, 2020

Case Number CUP01-20

Windstream Broadband Communications Tower (Utility Pole)

APPLICANT: Ashlee Miller

11124 Kingston Pike, Suite 119-234
Knoxville, TN 37934

STAFF PROJECT MANAGER: Marcus Amman, Planner

SUMMARY: Windstream is proposing to erect a 105 foot communications tower utility pole to provide broadband access to rural customers. The pole will include the installation of a galvanized steel finish utility pole. The pole will be 100 feet, with a 5 foot lightning rod for the total height of 105 feet.



Story County Planning and Development Staff Recommends approval of the Conditional Use Permit for the Windstream Broadband Communications Tower Utility Pole CUP01-20 with the condition:

- **The written access and utility easement will be recorded with the Story County Recorder prior to the issuance of a zoning permit for the Communications Tower.**
- **Preliminary Zoning permit for the Communications Tower will not be issued until Story County Land Development Regulations Chapter 88.08 (4) Parking and Circulation Standards are met for well-defined circulation routes and clearly marked parking spaces acceptable to Planning and Development Staff.**



Property Information

PROPERTY OWNERS

Donald & Lisa Moody
70064 320th St
Collins, IA 50055

GENERAL PROPERTY LOCATION

Section: 28 Township: 82 Range: 21 NW NW

SITE ADDRESS

70064 320th St
Collins, IA 50055

PARCEL IDENTIFICATION NUMBER(S)

16-28-100-102

CURRENT ZONING

A-1, Agricultural District

CURRENT LAND USE

The current land use at the proposed site of the Windstream Broadband Communications Tower Utility Pole is agricultural use. The property is mainly surrounded by agricultural uses to the north, south, and east. Directly west, Landus Cooperative, is located in an A-2 Agribusiness district.

FUTURE LAND USE MAP DESIGNATION

Rural Residential District

CITIES WITHIN TWO MILES

Collins

Floodplain

None.

The following items were submitted by the applicant: CUP Application, Site Plan, narrative describing need of the Windstream Broadband Communications Tower Utility Pole, proposed structure specifications, and responses to County Staff review comments.

Background

This proposed Windstream Broadband Communications Tower Utility Pole will be used to provide broadband access to rural customers. Commercial communications towers are allowed in the A-1 Zoning district through a conditional use permit process per Chapter 90 of the Story County Land Development Regulations with supplemental standards under 90.04. This communications pole will be a 105-feet tall, galvanized steel finish utility pole.



The proposed tower will meet the County's setback requirements. The minimum setback requirement for this tower is 200 feet from the right-of-ways and 50 percent of the height or 52.5 feet for all other property lines. The proposed tower will be located 308 feet south of the 320th street right-of-way, approximately 524 feet east of the U.S. Highway 65 right-of-way, 66 feet north of the southern property line, and 100 feet from the eastern property line. The purpose of this tower is to provide rural customers access to broadband services under the federal initiative. The tower will have four WIFI antenna, one pointed in each cardinal direction. These antenna will have a range of 5 miles and are 14 inches by 8.85 inches in size. There will not be a communications building for this proposal. There will be an H-Frame where the communications equipment will be mounted. This frame will be 6 feet tall and 5 feet wide.

The property is located a quarter mile south of the City of Collins. The property on which the proposed structure is to be constructed is 5.92 net acres and currently has a residence and outbuildings constructed on it. The existing residence's garage is approximately 296 feet northwest of the proposed structure with the residence being further northwest. The proposed structure will be approximately 203 feet south of the existing outbuilding on the property. The property is located directly east of the Landus Cooperative property that contains a large agricultural storage operation taking place. The rest of the surrounding parcels are all in agricultural production. The nearest residence is approximately 1,500 feet to the northwest of the proposed structure site. This proposed structure will be partially screened from 320th Street to the north by the existing buildings on the parcel, but will be visible from U.S. Highway 65 to the west.

The traffic impacts from this proposal will be minimal. U.S. Highway 65 has an average daily traffic count of 1640, last counted in 2015. Once the construction of the tower is completed the only traffic to the site will be for maintenance to the communications tower which is anticipated to be once a month. During the construction of the tower all parking will take place on the subject property. There will be no parking on any of the right-of-way. There will be a turnaround/parking area constructed just south of the leased area where the tower will be constructed. This parking will also be where all vehicles will park when maintenance is being conducted. The access easement and the parking will be left as bare ground with no intention of adding rock to either area. There is also no signs or lighting proposed for this project. The tower does not meet the height threshold for FAA required lighting.

Throughout construction and after no significant environmental impacts are expected. This proposed structure is not anticipated to impact the supply or quality of light or air to the surrounding properties. The tower is also not anticipated to impact any property values in the area and will likely blend in with the commercial use to the west as well as the utility poles along U.S. Highway 65. The proposed site is not located in a floodplain.

The applicant provided search rings for collocation opportunities. It was determined from their analysis that the existing towers would not meet their needs, and to ensure their data's integrity. The technology the applicant uses has a limit to its capacity to provide adequate services beyond this distance. This tower is being constructed solely for Windstream's use, they are not prohibiting collocation however they do not anticipate any requests for collocation.

Analysis

A. Applicable Regulations: Chapter 90.04: Standards for Approval



The Planning and Zoning Commission shall review the proposed development for conformance to the following development criteria:

1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties.

Applicant Comment: Windstream's proposed development will be constructed, arranged and operated so as to be compatible with the character of the Agriculture zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development will not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.

Staff Comment: Commercial communications towers are a conditional use in the A-1 District. The requirement for a conditional use permit is based on the provision of Chapter 90 Table 90-1 of the Story County Code of Ordinances. Communication towers under the conditional use have supplemental standards under 90.04. The property on which the proposed structure is to be constructed is 5.92 net acres and currently has a residence and some out buildings located on it. The property directly to the west of the subject property is owned by the Landus Cooperative and has a large agricultural grain storage operation taking place. The proposed structure will most likely blend with the existing utility poles and the commercial operation across U.S. Highway 65 to the west.

2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

Applicant Comment: Windstream's development will provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties with the included fencing and screening designed around the easement base will accomplish this requirement.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 105 feet. The minimum setback requirement for this tower is 50 percent of the overall height or 52.5 feet. The proposed structure will be 308 feet from the north property line, 66 feet from the south property line, approximately 524 feet from the west property line, and over 100 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed communication tower would be buffered from 320th street by the existing structures on the parcel. The proposed tower will be visible from U.S. Highway 65.

3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

Applicant Comment: Windstream's development will provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic



flow and control, and emergency access. This requirement is met and called out on provided construction drawings.

Staff Comment: The traffic impact of the proposed structure is expected to be minimal. Once construction of the proposed structure is completed, the only traffic that will visit the site for this structure when maintenance is required, on average once a month.

4. **Parking and Loading.** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

Applicant Comment: Windstream's development will provide all off-street parking and loading areas as required by the Ordinance, and adequate service entrances and areas. Given the setbacks of at least 300 feet from each right of way line, the visual impact is minimized. Due to the nearest neighbor residence dwelling to be further than .25 miles away the potential light or noise disturbance will be minimal.

Staff Comment: During the installation of the proposed tower, parking will take place on the subject property using existing access points to the property. No parking or equipment storage will take place in the right of way. There is a new turnaround/parking area proposed to be located to the south of the fenced in area surrounding the proposed tower. Parking use for this will consist of parking for maintenance as required at the site.

5. **Signs and Lighting.** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

Applicant Comment: No signs will be required for development. This requirement is met and called out on provided construction drawings.

Staff Comment: There is no signs or lighting proposed for this communications tower. The tower will not be high enough for the FAA to require lighting.

6. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Applicant Comment: Windstream's development will not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

Staff Comment: No excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds, are anticipated.



If the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will:

- 1. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.**

Applicant Comment: Windstream will adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property. Windstream's licensed contractors will uphold OSHA standards throughout the installation and maintenance of the site.

Staff Comment: The proposed structure will meet the setbacks from all property lines. The overall proposed structure height will be 105 feet. The minimum setback requirement for this tower is 50 percent of the overall height or 52.5 feet. The proposed structure will be 308 feet from the north property line, 66 feet from the south property line, approximately 537 feet from the west property line, and over 100 feet from the east property line. The proposed structure will likely be seen by immediately adjacent property owners. Part of the proposed communication tower would be buffered from 320th street by the existing structures on the parcel. The proposed tower will be visible from U.S. Highway 65.

- 2. Impair an adequate supply (including quality) of light and air to surrounding properties.**

Applicant Comment: Windstream will not impair an adequate supply (including quality) of light and air to surrounding property due to its small footprint and equipment used.

Staff Comment: The proposed structure will be a 105' utility pole with four Wi-Fi antennas and will have little to no impact on the supply of light and air to surrounding properties.

- 3. Unduly increase congestion in the roads, or the hazard from fire, flood, or similar dangers.**

Applicant Comment: Windstream will not increase congestion in the roads, or the hazard from fire, flood or similar dangers due to its setback requirements met from right of ways and/or structures within property.

Staff Comment: Following the construction of the proposed structure, there will be very little traffic to and from the structure. Traffic will be for maintenance to the communications tower. The proposed structure will not be located within the floodplain.

- 4. Diminish or impair established property values on adjoining or surrounding property.**

Applicant Comment: Windstream will not diminish or impair established property values on adjoining or surrounding property due to equipment used.

Staff Comment: The Story County Assessor's Office raised no concerns with this item from



the review of the requested Conditional Use Permit application. No impacts on property values are anticipated.

5. Not be in accord with the intent, purpose and spirit of the Land Development Regulations or County Cornerstone to Capstone (C2C) Plan.

Applicant Comment: we believe that the implementation of a fixed, wireless internet solution will promote and address several values and goals outlined throughout the C2C and from staff members, elected officials and County Board and Commission members.

In particular, the Story County Strategic Plan discusses the need to provide services efficiently and effectively that continually meet the needs of Story County citizens. Introducing a fixed-wireless internet solution improves quality of life for both individuals and businesses alike throughout Story County and address an underlying goal outlined within the Strategic Plan, which focuses on addressing both the evolution of technology itself and the expectations of citizens in regards to the availability of such technology.

Similarly, Chapter 3, Section 6, of The C2C Plan addresses the commitment by Story County to maintaining a high level of communication to ensure County residents remain both safe and informed. Access to reliable internet services, especially in rural areas, improves the dissemination of crucial information and promotes the County's communication objectives.

More specifically, Chapter 3, Section 9, of The C2C Plan discusses the County's strategy to support the expansion of all broadband/internet access service options to residents and businesses throughout the county, which is the primary objective of this project.

Furthermore, the implementation of a fixed-wireless internet option mitigates the need of unnecessary utility poles and overhead lines, which we believe compliments the long-term vision and goals set forth throughout the C2C and Strategic Plan. Specifically, in regard to Chapter 90.04, (1) (A), we believe that the use of a fixed-wireless solution addresses excessive proposed development of traditional wireline and utility pole infrastructure by offering a single-point solution that improves both access and reliability to internet services.

Also, in regard to Section 90.04, we want to ensure the review board that the development of this project will be in accordance with the requirements set forth in Section 1 (F).

Staff Comment: The C2C plan is oriented toward preserving the county's rural character and high value agricultural land, protecting environmentally-sensitive areas, and identifying areas for future growth and development. The proposed tower will support the expansion of all broadband/internet access service options to residents and businesses throughout the county under the C2C Infrastructure and Utilities Goal 1 strategy list. The remainder of the parcel will continue to be used for its existing use.

B. Burden of Persuasion.



1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.
2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

Commentary

The following comments are part of the official record of the proposed **Windstream Broadband Utility Pole CUP01-20**. If necessary, conditions of approval may be formulated based off these comments.

Conceptual Review – February 6, 2020

Comments from the Environmental Health

Environmental Health has no concerns with the CUP application #01-20 for a Windstream Utility Pole and H-frame. The existing house on this parcel has a septic system located west of the house, and a water well east of the garage; neither will be impacted by the proposed construction.

Comments from the Auditors Office

No comment

Comments from the Interagency Review Team

1. Please confirm the height of the tower. Will the tower be 95' with antennas that extends 5' above for a total of 100'? **Communications tower will be 100 feet with a lightning rod being another 5 feet for a total of 105 feet.**
2. The site plan identifies the pole is proposed to be wood. Chapter 90.08 4 F1 states that towers/facilities shall maintain a galvanized steel finish. Please address this. **Corrected to a galvanized steel finish utility pole.**
3. In accordance with 90.08 (4) E 1, how is the fence being made to not be climbable? **Barbed wire on the top of the fence and a black privacy wrap around the chain link.**
4. Chapter 90.08 (4) E 2 states screening of the lowest six feet of the tower is required. Screening is required from the right-of-ways to the north (320th Street) and west (HWY 65) of the proposed tower. Chain link is identified as the fencing, please indicate how this will meet the requirement. **Black privacy wrap around the chain link.**
5. Please identify the surface type proposed for the access and driveway extending to the compound area. Chapter 88.08 (4) Parking and Circulation Standards require well designed and efficient parking layout and circulation. The provision indicates, parking lots shall provide well defined circulation routes for vehicles and pedestrians. All parking spaces shall be clearly marked. Appropriately placed pavement markings shall be employed where necessary to guide internal circulation and traffic ingress and egress. **We will not be graveling the easement for vehicle movement from the access to the leased area.**
6. Please label the dimensions of the access/driveway and utility easement on the drawing. **Provided**



7. Please label the dimensions of the compound lease area on the drawing. **Provided**
8. In accordance with Chapter 90.08 (4) C, please demonstrate that the proposed height is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer. **Letter stating need provided**
9. Please provide responses to 90.04 1 A-F Standards of Approval from the Story County Land Development Regulations. **Provided**
10. In accordance with Chapter 90.08 (4) (F) 3, signs are not allowed other than safety or warning signs. Please confirm there are no proposed signs. **No signs are proposed.**
11. Is any lighting proposed? If so it must be required by the FAA as identified in Chapter 90.08 (4) (F) 2. Please provide any correspondence from the FAA regarding lighting. **No lighting is proposed.**
12. In accordance with Chapter 90.08 (4) J 7, please indicate if the tower will be available for collocation in the future. **The tower is being constructed solely for Windstream's use. Windstream is not prohibiting future collocation, but it does not anticipate that function.**
13. Have you contacted the County Engineer's office regarding if the access to the parcel is sufficient for the use? **Not county road, spoke with IDOT and received written approval.**
14. What is the range of the proposed tower's Wi-Fi antenna? **Distance of (5) five miles.**
15. Please provide any additional drawings that show more details of the antennas planned to be mounted on the communications tower. **Provided**
16. In accordance with Chapter 90.08 (4) J 10, please provide a copy of the signed lease agreement with the property owner. The fees may be redacted. **Provided**
17. Please have an engineer sign and certify the submitted drawings. **Provided**
18. Please submit a conditional use permit application for this proposed project by February 14th, 2020 to make the deadline for the March 4th, 2020 Planning and Zoning Commission meeting and the March 18th, 2020 Board of Adjustment meeting. **Provided**

Public notices were mailed to adjacent property owners within ¼ mile of the proposed site on February 19, 2020.

Comments from the General Public:

No comments were received as of the date of this staff report.

Points to Consider for the Conditional Use Permit Request

1. Applicant addressed the need for the broadband utility pole.
2. Utility pole will help support the federal initiative to provide broadband access to rural customers.
3. The communications tower utility pole will be compatible with the surrounding landscape.
4. Traffic impact will be limited.
5. No environmental impacts are expected.

Conditions of Approval

Chapter 90.05: Recommendations on Applications

Staff Recommendation:

Based on review of the site, application materials, responses to County Staff comments, and the information and analysis in this staff report, Planning and Development staff



recommend approval of the Conditional Use Permit application CUP01-20 with the condition:

- **The written access and utility easement will be recorded with the Story County Recorder prior to the issuance of a zoning permit for the Communications Tower.**
- **Preliminary Zoning permit for the Communications Tower will not be issued until Story County Land Development Regulations Chapter 88.08 (4) Parking and Circulation Standards are met for well-defined circulation routes and clearly marked parking spaces acceptable to Planning and Development Staff.**

Recommendation by Planning and Zoning Commission

Alternatives

The Story County Planning and Zoning Commission may consider the following alternatives:

- 1) The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Windstream Broadband Utility Pole as put forth in case CUP01-20, as submitted.
- 2) **The Story County Planning and Zoning Commission recommends approval of the Conditional Use Permit for the Windstream Broadband Utility Pole as put forth in case CUP01-20, with conditions.**
- 3) The Story County Planning and Zoning Commission recommends denial of the Conditional Use Permit for the Windstream Broadband Utility Pole as put forth in case CUP01-20.
- 4) The Story County Planning and Zoning Commission remands the Conditional Use Permit for the Windstream Broadband Utility Pole as put forth in case CUP01-20, back to the applicant for further review and/or modifications, and directs staff to place this item on a future Story County Planning and Zoning Commission agenda.